

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDUL SIDDIQ,) CASE NO. C08-0593-TSZ-MAT
Petitioner,)
v.) ORDER
RON VAN BOENING,)
Respondent.)

)

Counsel for petitioner Abdul Siddiq sought a sixty-day stay in order to enter a notice of appearance in state court for petitioner’s pending personal restraint petition (PRP), investigate the bases for the PRP, and seek to amend the PRP if appropriate. (Dkt. 21 at 3.) Before the end of the sixty-day period, he would then notify the Court whether the stay should be dissolved or continued. (*Id.*) The Court found that a sixty-day stay would be reasonable under the circumstances and ordered petitioner to, on or before October 24, 2008, either: (1) withdraw his motion to strike and submit a response to respondent’s answer; or (2) reassert his request for a stay by filing an amended motion to stay based on the inclusion of federal constitutional claims in the pending PRP. (Dkt. 22 at 3 (hereinafter “Stay Order”).) The Court noted that if petitioner withdrew his motion to strike and submitted a response, respondent’s answer would be renoted

01 for consideration on October 31, 2008, with respondent's optional reply due on or before that
02 same date. (*Id.*) On the other hand, if petitioner submitted an amended motion to stay, the Court
03 would renote respondent's answer pending resolution of the amended motion. (*Id.*) These
04 deadlines have now passed and petitioner's counsel has failed to file anything.

05 Although confusion is no excuse for disregarding a directive, the Court recognizes that
06 counsel may have misinterpreted the Stay Order given that the Order both acknowledged the
07 reasonableness of a sixty-day stay and set deadlines of approximately half that length. The Court
08 will therefore extend the deadlines by which petitioner must comply with the Stay Order. The
09 Court orders petitioner to, on or before **November 21, 2008**, either: (1) withdraw his motion to
10 strike and submit a response to respondent's answer; or (2) reassert his request for a stay by filing
11 an amended motion to stay based on the inclusion of federal constitutional claims in the pending
12 PRP. Should petitioner withdraw his motion to strike and submit a response, respondent's answer
13 will be renoted for consideration on **December 5, 2008**, with respondent's optional reply due on
14 or before that same date. Should petitioner submit an amended motion to stay, the Court will
15 renote respondent's answer pending resolution of the amended motion. Should petitioner fail to
16 heed these extended deadlines, this action may be dismissed for failure to prosecute.

17 The Clerk is directed to send a copy of this Order to the parties and to the Honorable
18 Thomas S. Zilly.

19 DATED this 10th day of November, 2008.

20
21 
22 Mary Alice Theiler
United States Magistrate Judge